

EMPIRE TECHNOLOGICAL GROUP LIMITED v. LIGHT & WONDER, INC., and SG
GAMING, INC.

CASE NO.: 2:22-cv-00923-MMD-BNW

EXHIBIT 1

(Declaration of Yafeez S. Fatabhoy)

EMPIRE TECHNOLOGICAL GROUP LIMITED v. LIGHT & WONDER, INC., and SG
GAMING, INC.

CASE NO.: 2:22-cv-00923-MMD-BNW

DICKINSON WRIGHT PLLC

MICHAEL N. FEDER (Nevada Bar #7332)

JOHN L. KRIEGER (Nevada Bar #6023)

3883 Howard Hughes Parkway, Suite 800

Las Vegas, Nevada 89169

Tel: (702) 550-4400

Fax: (844) 670-6009

Email: mfeder@dickinson-wright.com

Email: jkrieger@dickinson-wright.com

JOHN S. ARTZ (*Admitted Pro hac vice*)

YAFEEZ S. FATABHOY (*Admitted Pro hac vice*)

350 S. Main Street, Suite 300

Ann Arbor, MI 48104

Tel: (248) 433-7200

Fax: (844) 670-6009

Email: jartz@dickinson-wright.com

Email: yfatabhoy@dickinson-wright.com

Attorneys for Defendants/Counter-Claimants

Light & Wonder, Inc. and SG Gaming, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EMPIRE TECHNOLOGICAL GROUP
LIMITED,

Plaintiff,

vs.

LIGHT & WONDER, INC., and
SG GAMING, INC.,

Defendants.

LIGHT & WONDER, INC., and
SG GAMING, INC.,

Counter-Claimants,

vs.

EMPIRE TECHNOLOGICAL GROUP,
LIMITED,

Counter-Defendant.

Case No. 2:22-cv-00923-MMD-BNW

INITIAL PHASE OF DISCOVERY:

**DECLARATION OF YAFEEZ S.
FATABHOY IN SUPPORT OF
DEFENDANT LIGHT & WONDER, INC.'S
AND LNW GAMING, INC., formerly known
as SG GAMING INC.'S MOTION FOR
SUMMARY JUDGMENT OF INVALIDITY**

1 I, Yafeez S. Fatabhoy, declare under penalty of perjury pursuant to the laws of the United
2 States that the following is true:

3 1. I have personal knowledge of the facts set forth below, except for those statements
4 made on information and belief, and am competent to testify regarding these facts and statements.
5 I declare that all statements made herein of my own knowledge are true and that all statements
6 made on information and belief are believed to be true.

7 2. I am counsel of record for Light & Wonder, Inc. and LNW Gaming, Inc., formerly
8 known as SG Gaming, Inc. (collectively, “L&W”) and make this declaration in support of L&W’s
9 Motion for Summary Judgment of Invalidity (the “Motion”).

10 3. A true and accurate copy of Will Jones’ deposition transcript as cited in the Motion
11 is attached hereto as **Exhibit A**.

12 4. A true and accurate copy of L&W’s Rule 30(b)(6) witness Colin Helsen’s
13 deposition transcript as cited in the Motion is attached hereto as **Exhibit B**.

14 5. A true and accurate copy of Michael Vizzo’s deposition transcript as cited in the
15 Motion is attached hereto as **Exhibit C**.

16 6. A true and accurate copy of Matthew Lucchetti’s deposition transcript as cited in
17 the Motion is attached hereto as **Exhibit D**.

18 7. A true and accurate copy of Will Jones’ notebook is attached hereto as **Exhibit E**.
19 (Fatabhoy Decl., at Ex. A, Jones Dep. at 57:11-58:20)

20 8. A true and accurate copy of the presentation titled “PTG Project Update” that Jones
21 gave to L&W product management in July 2016 regarding the progress of the Accused i-Score
22 Plus, including describing the functionality of the sign lighting, as produced and authenticated
23 during discovery, is attached hereto as **Exhibit F**. (Fatabhoy Decl., at Ex. A, Jones Dep. at 88:23-
24 90:5.)

25 9. A true and accurate copy of an email chain involving Michael Vizzo and Colin
26 Helsen discussing the Pre-G2E event, as produced and authenticated during discovery, is attached
27 hereto as **Exhibit G**. (Fatabhoy Decl., at Ex. B, Helsen Dep. at 83:20-85:25.)
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1 10. A true and accurate copy of an email chain involving Colin Helsen, Michael Vizzo,
2 and Will Jones discussing a customer who attended the event and expressed interest in the Accused
3 i-Score Plus, as produced and authenticated during discovery, is attached hereto as **Exhibit H**.
4 (Fatabhoy Decl., at Ex. C, Vizzo Dep. at 114:16-115:18.)

5 11. A true and accurate copy of a document titled “Functional Requirement Document”
6 that shows both the horizontal and vertical versions of the Accused i-Score Plus, as produced and
7 authenticated during discovery, is attached hereto as **Exhibit I**. (Fatabhoy Decl., at Ex. A, Jones
8 Dep. at 91:20-94:3.)

9 12. A true and accurate copy of a photograph showing that both the horizontal and
10 vertical versions of the Accused i-Score Plus were displayed at the 2016 G2E, including the edge
11 lighting and a table controller, as produced and authenticated during discovery, is attached hereto
12 as **Exhibit J**. (Fatabhoy Decl., at Ex. C, Vizzo Dep. at 67:9-69:11.)

13 13. A true and accurate copy of a photograph showing that both the horizontal and
14 vertical versions of the Accused i-Score Plus were displayed at the 2016 G2E, including the edge
15 lighting and a table controller, as produced and authenticated during discovery, is attached hereto
16 as **Exhibit K**. (Fatabhoy Decl., at Ex. C, Vizzo Dep. at 118:3-123:10.)

17 14. A true and accurate copy of a photograph showing the L&W booth displayed at the
18 2016 G2E, including the vertical version of the Accused i-Score Plus, as produced and
19 authenticated during discovery, is attached hereto as **Exhibit L**. (Fatabhoy Decl., at Ex. C, Vizzo
20 Dep. at 61:21-64:24.)

21 15. A true and accurate copy of a photograph showing that both the horizontal and
22 vertical versions of the Accused i-Score Plus were displayed at the 2016 G2E, including the edge
23 lighting and a table controller, as produced and authenticated during discovery, is attached hereto
24 as **Exhibit M**. (Fatabhoy Decl., at Ex. C, Vizzo Dep. at 78:11-81:12.)

25 16. A true and accurate copy of a purchase agreement showing that following the 2016
26 G2E, Norwegian Cruise Lines (“NCL”) placed an order on October 25, 2016, for thirty-seven (37)
27 Accused i-Score Plus edge-lighting kits that attach to the i-Score Plus lighting signs, as produced
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1 and authenticated during discovery, is attached hereto as **Exhibit N.** (Fatabhoy Decl., at Ex. B,
2 Helsen Dep. at 125:9-126:3.)

3 17. A true and accurate copy of is an email chain involving Matthew Lucchetti and
4 William Beasley from NCL discussing the training that NCL received from L&W relating to the
5 Accused i-Score Plus edge-lighting kits on March 1, 2017, in Las Vegas, Nevada, as produced and
6 authenticated during discovery, is attached hereto as **Exhibit O.** (Fatabhoy Decl., at Ex. B, Helsen
7 Dep. at 126:24-129:2.)

8 18. A true and accurate copy of a document titled “Utility Product Training Daily
9 Agenda” that shows NCL received training from L&W relating to the Accused i-Score Plus edge-
10 lighting kits on March 1, 2017, in Las Vegas, Nevada, as produced and authenticated during
11 discovery, is attached hereto as **Exhibit P.** (Fatabhoy Decl., at Ex. B, Helsen Dep. at 126:24-
12 129:2.)

13 19. A true and accurate copy of a presentation titled “PTG Project Update” that covered
14 the last quarter of 2016 and confirmed that the Accused i-Score Plus had gone through final quality
15 control testing by no later than January 10, 2017, as produced and authenticated during discovery,
16 is attached hereto as **Exhibit Q.** (Fatabhoy Decl., at Ex. A, Jones Dep. at 96:2-98:4.)

17 20. A true and accurate copy of a document titled “i-Score Plus Display Operation
18 Guide” which explains the Accused i-Score Plus and how it functions, and shows that L&W
19 released the latest revision of the guide on January 20, 2017, as produced and authenticated during
20 discovery, is attached hereto as **Exhibit R.** (Fatabhoy Decl., at Ex. A, Jones Dep. at 43:17-45:22.)

21 21. A true and accurate copy of an email chain involving Colin Helsen, Will Jones,
22 Matthew Lucchetti, and Michael Vizzo discussing that, on January 26, 2017, the Accused i-Score
23 Plus release was on track to be submitted to compliance, and that it would be available for
24 installation in early February at The Bicycle Club, a casino in Los Angeles, California, as produced
25 and authenticated during discovery, is attached hereto as **Exhibit S.** (Fatabhoy Decl., at Ex. B,
26 Helsen Dep. at 79:22-80:19.)

27 22. A true and accurate copy of a document titled “i-Score Plus Display 1.8.0 User
28

1 Release Notes” which shows that on January 31, 2017, L&W released the i-Score Plus Display
2 1.8.0 User Release Notes, which was prepared by L&W’s engineering department and sent to
3 L&W’s compliance department, as produced and authenticated during discovery, is attached
4 hereto as **Exhibit T**. (Fatabhoy Decl., at Ex. A, Jones Dep. at 47:24-50:25.)

5 23. A true and accurate copy of an email chain involving Matthew Lucchetti and
6 Michael Vizzo discussing how L&W attempted to demonstrate the Accused i-Score Plus for
7 training purposes, but a computer issue postponed the demonstration, as produced and
8 authenticated during discovery, is attached hereto as **Exhibit U**. (Fatabhoy Decl., at Ex. C, Vizzo
9 Dep. at 98:5-100:13.)

10 24. A true and accurate copy of an email chain involving Matthew Lucchetti and
11 Michael Vizzo discussing that on February 27, 2017, L&W was demonstrating the Accused i-
12 Score Plus for NCL, as produced and authenticated during discovery, is attached hereto as **Exhibit**
13 **V**. (Fatabhoy Decl., at Ex. C, Vizzo Dep. at 105:2-106:15.)

14 25. A true and accurate copy of an email chain involving Michael Vizzo, Will Jones,
15 and Matthew Lucchetti discussing how L&W needed an Accused i-Score Plus for its Empower
16 event on March 8, 2017, as produced and authenticated during discovery, is attached hereto as
17 **Exhibit W**. (Fatabhoy Decl., at Ex. C, Vizzo Dep. at 100:14-102:14.)

18 26. A true and accurate copy of an email chain involving Matthew Lucchetti, Colin
19 Helsen, and Michael Vizzo discussing Matthew Lucchetti’s presentation on how to configure the
20 Accused i-Score Plus at L&W’s Empower event, as produced and authenticated during discovery,
21 is attached hereto as **Exhibit X**. (Fatabhoy Decl., at Ex. B, Helsen Dep. at 111:1-115:6.)

22 27. A true and accurate copy of a letter Gaming Laboratories International sent to
23 Jacqueline Hunter, L&W’s Director Technical Compliance – Gaming Division, on April 6, 2017,
24 as produced and authenticated during discovery, is attached hereto as **Exhibit Y**. (Fatabhoy Decl.,
25 at Ex. B, Helsen Dep. at 105:1-107:11.)

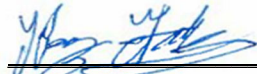
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1 28. A true and accurate copy of Plaintiff's Supplemental Responses to L&W's First Set
2 of Interrogatories is attached hereto as **Exhibit Z**.

3 Executed April 26, 2023.

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6 YAFEEZ S. FATABHOY
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